

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:13CR294
	§	
ROBBY DIXON	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on November 12, 2014, to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Tracy Batson.

On September 20, 1999, Defendant was sentenced by the Honorable Thomas B. Russell, United States District Judge, to a sentence of 60 months imprisonment (Count 1); 120 months imprisonment (Counts 2, 3 and 4); and 180 months imprisonment (Count 5) to be served concurrently followed by concurrent terms of supervised release of three years (Counts 1 through 4) and five years (Count 5) for the offenses of: Count 1: Conspiracy to Steal Firearms From a Licensed Firearms Dealer; Count 2: Aiding and Abetting Theft of Firearms From a Licensed Firearms Dealer; Count 3: Aiding and Abetting Possession of Stolen Firearms; Count 4: Aiding and Abetting Interstate Transportation of Stolen Firearms; and Count 5: Possession of Firearms by a Convicted Felon With Who Has Three Previous Violent Felony Offenses. Defendant began his term of supervision on August 2, 2012.

This case was transferred to the Honorable Marcia A. Crone on December 16, 2013.

On September 16, 2014, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision (the "Petition") (Dkt. 2). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall refrain from any unlawful use of a controlled substance.

The Petition alleges that Defendant committed the following violations: (1) On April 8, August 20, September 11, October 16, December 13, 2013 and August 27, 2014, Defendant submitted urine specimens that tested positive for marijuana. Defendant admitted to using marijuana at times, and all other specimens were confirmed through laboratory confirmation testing.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release and that his supervised release should be revoked.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the November 12, 2014 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of three and a half months to report on January 3, 2015 at the designated facility with three and a half months supervised release to follow .

SIGNED this 24th day of November, 2014.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE